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UNCLAS SECTION 01 OF 03 TRIPOLI 000467

SIPDIS

DEPT FOR NEA/MAG AND DRL

E.O. 12958: N/A  
TAGS: [PGOV](#) [PREL](#) [PHUM](#) [LY](#)  
SUBJECT: DEVELOPMENTS IN CASE OF IDRIS BOUFAYED AND FELLOW REGIME  
CRITICS

REF: A) TRIPOLI 158, B) TRIPOLI 218, C) TRIPOLI 161 (NODIS), D) TRIPOLI 165 (NODIS), E) TRIPOLI 332, F) TRIPOLI 411

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11. (C) Summary: Eleven members of a group of self-described dissidents were convicted on June 10 of planning to foment a rebellion against the "people's authority system" and of meeting with an official from a foreign government; sentences ranged from 6 to 25 years imprisonment. They were not/not convicted on related weapons possession charges. Two of the group were released on May 27 and June 10, respectively; the fourteenth individual has not been seen in prison or at court proceedings since his arrest last year. A human rights contact who is working with the convicted individuals on an appeal was optimistic that the sentences would be reduced; however, a recent EU demarche to the GOL on the subject was ill-received by the GOL, which characterized the case as a strictly internal matter. European missions have received no further instructions on whether or how to further pursue the issue. One of the convicted men carries Danish citizenship; the Danish Consul General has been rebuffed in his attempts to seek access to him and admitted frankly that his efforts had been greatly complicated by the GOL's recent decision to ban the importation of Danish products and prohibit Danish companies from taking part in Libyan infrastructure projects in retaliation for the republishing of cartoons depicting the Prophet Muhammad in Danish newspapers earlier this year. The GOL's strong response to the EU's demarche on the subject, together with Post's experience in the el-Jahmi case, suggests that it may be prudent to see how the appeal fares before making a formal intervention in this case. End summary.

JUMA'A BOUFAYED RELEASED

12. (C) Human Rights Watch (HRW) and London-based Libyan opposition website Libya al-Mustaqbal reported in late May that Juma'a Boufayed, brother of self-described regime critic Dr. Idriss Boufayed, had been released. Muhammad Tarnesh (strictly protect), Executive Director of the Human Rights Society of Libya (HRSL - affiliated with the quasi-governmental Qadhafi Development Foundation), confirmed to P/E Chief on June 2 that Juma'a Boufayed was released from the Abu Salim prison in Tripoli on/about May 27 and had returned to his family home in Ghariyan.

13. (C) Libyan security officials arrested Idriss Boufayed and eleven other individuals on February 16, 2007 to disrupt a demonstration in Tripoli's Green Square that had been scheduled for February 17, the first anniversary of riots in Benghazi. Opposition websites reported that Juma'a Boufayed was not involved in planning the protest, but was subsequently detained along with Abdulrahman al-Qutawi after he gave an interview about his brother's arrest. There had been concerns, prompted in part by reports on opposition websites, that Boufayed had died in detention. The fourteen faced three criminal charges, each of which potentially carried the death penalty: attempting to foment rebellion against the "people's authority system"; possession of weapons for the purpose of fomenting a rebellion; and conducting unauthorized communications with an official of a foreign government.

ADEL HUMAID RELEASED; ELEVEN OTHERS CONVICTED & SENTENCED

14. (C) HRW, parroting Libya al-Mustaqbal, reported June 12 that another detainee, Adel Humaid (five Humaid brothers were charged in the case), was released on June 10; the HRSL's Tarnesh confirmed the release to P/E Chief on June 12. Citing reports from two unidentified individuals who observed the courtroom proceedings in Tripoli, Libya al-Mustaqbal also said a state security court convicted 11 of the 14 men implicated in the case of planning to overthrow the government and of meeting with an official from a foreign government. (Note: As reported ref B, Idriss Boufayed and al-Mahid Humaid met with Poloff on February 12, 2007 to discuss the status of domestic opposition to al-Qadhafi's regime and plans to stage the February 17 demonstration. They were subsequently arrested and the Charge was convoked by the MFA to receive a strong warning against

Post's contact with internal oppositionists and dissidents (refs C-D - NOTAL), a subject of ongoing friction with the GOL. Opposition websites have previously reported that Boufayed's Ghariyan-based family has been able to attend the court hearings and Post believes Boufayed's family is the single source of Libya al-Mustaqbal's reporting. End note.) The court acquitted the men of related weapons possession charges.

15. (C) The convictions were as follows: Dr. Idriss Boufayed - 25 years; al-Mahdi Humaid - 15 years; al-Sadiz Salih Humaid - 15 years; Faraj Humaid - 15 years; Ali Humaid - 15 years; Ahmad Yusef al-Ubaidi - 6 years; 'Alaa al-Dirsi - 6 years; Jamal al-Haji - 12 years; Farid al-Zuwi - 6 years; Bashir al-Haris - 6

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years; and al-Sadiq Qashut - 6 years. At this point, two detainees have been released (Juma'a Boufayed and Adel Humaid), 11 have been sentenced (above) and one - Abdulrahman al-Qutawi - has not been seen in prison or at trial proceedings since he was arrested with Juma'a Boufayed.

#### APPEAL EFFORT UNDERWAY

16. (C) The HRSL's Tarnesh confirmed to P/E Chief June 12 that convictions had been handed down and that Adel Humaid had been released. Tarnesh, who was angry about the severity of the sentences, said he was assisting Idriss Boufayed and the other 11 convicted individuals with the process of appealing the verdicts and sentences. He was optimistic that the sentences would be reduced, noting that it was "culturally normal" for courts to reduce harsh sentences on appeal, and believed some of those who received lesser sentences might be released outright during the appeal process. It was not clear whether Tarnesh was assisting Boufayed and the others on their appeals in a personal capacity or as head of the HRSL. Tarnesh had no further information concerning the whereabouts of the missing fourteenth detainee, Abdulrahman al-Qutawi, but said he had continued to make inquiries.

17. (C) Tarnesh indicated that the HRSL and QDF were working to secure the release of Idriss Boufayed from the Sabratha Hospital, where he is reportedly undergoing treatment for advanced cancer (HRW reports that it is lung cancer), on humanitarian grounds. As reported ref E, the QDF claimed on April 6 in its first public statement on the case that it had facilitated Boufayed's transfer to Sabratha Hospital for "specialized treatment" through mediation with the Attorney General's office. A report in the pro-government al-Watan newspaper in late May had suggested that Boufayed had been released from hospital in late May on humanitarian grounds related to his illness; however, Tarnesh said Boufayed remained at Sabratha Hospital and that security officials remained outside his room. (Note: As reported ref F, Post has experienced a parallel dynamic in the case of detained human rights activist Fathi el-Jahmi, whom the GOL claimed to have released, but who remains in de facto detention at the Tripoli Medical Center, where security officials control access to his room. End note.) Tarnesh said the HRSL and QDF continued to work to secure the release of Boufayed, whose condition he described as "not critical, but requiring constant medical care". Explaining the severity of Boufayed's sentence, Tarnesh likened his case to that of Fathi el-Jahmi, saying security officials and other, unspecified elements of the GOL "hated" Boufayed because of his attempts to organize opposition to al-Qadhafi's regime. (Note: Tarnesh knows Boufayed personally and has visited his family several times in Ghariyan since his arrest last year. End note.)

#### EUROPEAN UNION DEMARCHES GOL ON BOUFAYED CASE, EL-JAHMI & DEATH PENALTY

18. (C) U.K. Poloff David Clay told P/E Chief June 15 that the European Union (EU) had demarched the GOL on June 1 concerning Idriss Boufayed, the case of detained human rights activist Fathi el-Jahmi and to register opposition to the continued use of the death penalty in Libya. The French ambassador, representing Slovenia (which holds the EU Presidency, but does not have representation in Libya), delivered the EU's points to MFA Secretary for European Affairs Abdulati Obeidi on June 1. Stressing Libya's respect for the sovereignty of other states' internal affairs, Obeidi expressed "great surprise" that the EU had raised the death penalty and the el-Jahmi and Boufayed cases. Describing those issues as "purely internal Libyan matters", he made it clear that the GOL considered the EU's intervention inappropriate and would not offer a further response. EU missions in Tripoli have received no further instructions on whether or how to pursue any of the three subjects of the demarche. Separately, Danish Honorary Consul General George Wallen told P/E Chief on June 11 that his efforts to secure access to Jamal al-Haji, a member of the Boufayed group who holds Danish citizenship, had been "greatly complicated" by the fact that the GOL recently imposed a ban on importation of Danish products and prohibited Danish companies from taking part in Libyan infrastructure projects in retaliation for the republishing of cartoons depicting the Prophet Muhammad in Danish newspapers earlier this year. Wallen was strongly rebuffed in his initial efforts to see al-Haji and was awaiting further instructions from Copenhagen, which he candidly described as "confused" about whether to press the issue.

19. (C) Comment: That the individuals, after 16 months in mostly

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incommunicado detention, have been convicted for the "crime" of planning to stage a peaceful protest is reprehensible. Despite his analysis of the GOL's motivation for handing down a harsh sentence against the ailing Boufayed, Tarnesh appeared relatively optimistic that the QDF would be able to push for his release on humanitarian grounds; however, Tarnesh offered no specifics for the other ten men. The GOL's strongly negative response to the EU's demarche on the subject, together with Post's experience in the el-Jahmi case, suggests that an intervention by the U.S. at this juncture - be it public or private - would likely hurt, rather than help, the effort to reduce the convicted mens' sentence or secure their release. End comment.  
STEVENS